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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MINSKEY, JACOB T

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/557,580	Applicant(s) AKIYAMA, HISANORI	
	Examiner JACOB T. MINSKEY	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 02/04/2009 have been fully considered but they are not persuasive
2. Claims 1-3 and 5 were amended on 02/04/2009 for reasons of clarity.
3. Applicant has amended the Specification in order to overcome the objections to the specification made in the prior Office Action.
4. The Objections to claims 2 and 4 are also withdrawn due to these amendments.
5. Applicants argue that Miyazawa fails to at least disclose forming a curved surface shape on the plastic material, so that a geometric center of the edge shape positions at a processing center or geometric center of the plastic material, as recited in claims 1 and 4.
6. The Examiner respectfully disagrees. Figure 5(a) of Miyazawa depicts a forming step that positions point L1 (the point located at the center of the pupil when the lens is in the frame [0082]) which is equivalent to the geometrical center of the lens (item 403 of figure 9 in the instant application) with the machine center (MC) of the apparatus that will correspond with the geometric center of the plastic material, as instantly claimed.
7. The Examiner would like to present that the claim does not specify if the positioning of the geometric centers takes place before or after the forming. Miyazawa details how to adjust the lens formation in order to adjust the optical center, the focus point, and the physical center during the forming operation, so even if the points do not

Art Unit: 1791

align at the start of the process, they do either during forming or after by the taught formation steps to make a lens that focuses from the physical center of the lens.

8. Applicant further argues that not all the limitations of claim 2 are taught by Miyazawa specifically that the external diameter of the lens blank is at least larger than the frame diameter and is then processed to fit the order.

9. The Examiner respectfully disagrees. Miyazawa teaches in [0044] that "lens shape is large enough to be cut into any of the finish shapes requested by prescriptions," which reads directly on the language of claim 2.

10. Additionally the Applicant has submitted a supplemental amendment and arguments after a personal interview.

11. Applicant's arguments filed 02/27/2009 have been fully considered but they are not persuasive.

12. Claims 1 and 4 have been amended.

13. Applicant is traversing the anticipation rejection of claims 1-5 by Miyazawa. Applicant argues that Miyazawa fails to disclose "wherein said lens member forming step forms a curved surface shape on the plastic materials so that a geometric center of the edge shape positions at a geometric center of the plastic material." Applicant further argues that the teaching of Miyazawa does not necessarily align the geometric center of the lens with the geometric center of the lens blank.

14. The Examiner respectfully disagrees. Figure 5(a) of Miyazawa depicts a forming step that positions point L1 (the point located at the center of the pupil when the lens is in the frame [0082]) which is equivalent to the geometrical center of the lens (item 403

Art Unit: 1791

of figure 9 in the instant application) with the machine center (MC) of the apparatus that will correspond with the geometric center of the plastic material, as instantly claimed.

15. The Examiner would like to present that the claim does not specify if the positioning of the geometric centers takes place before or after the forming. Miyazawa details how to adjust the lens formation in order to adjust the optical center, the focus point, and the physical center during the forming operation, so even if the points do not align at the start of the process, they do either during forming or after by the taught formation steps to make a lens that focuses from the physical center of the lens.

16. Applicant traverses the remaining claims for their dependency on the independent and reasons discussed above. The previously presented rejections are repeated in the following section.

Claim Rejections - 35 USC § 102

17. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

18. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyazawa et al, US patent publication 2002/0160690 A1.

19. Regarding claim 1, Miyazawa et al teach a spectacle lens manufacturing method [0033] manufacturing a spectacle lens based on order information ([0034] and [0037-

Art Unit: 1791

0038]) including spectacle frame information, a prescription value, and layout information, comprising the steps of: forming a lens member to obtain the lens member by forming a curved surface shape satisfying an optical specification of the spectacle lens related to an order [0037,0042] on a plastic material [0014]; and edging to process the lens member to be shaped into an edge shape of the spectacle lens related to the order (chamfering, [0042]); wherein said lens member forming step is to form a curved surface shape on the plastic material so that a geometric center of the edge shape positions at a geometric center of the plastic material (figure 5 item L1, and [0054,0082] and discussion above).

20. Regarding claim 2, Miyazawa remains as applied in claim 1 and further teach that the lens member forming step uses a lens blank (semi-finished lens, [0044]) of which both the surface have not yet processed to the curved surface shape satisfying the optical specification of the spectacle lens related to the order [0044] but processed to a predetermined surface shape as the plastic material of a processing target, and is able to process the spectacle lens related to the order appropriately out of a plurality of lens blanks manufactured and prepared in advance [0044-0045], and wherein the lens blank having an outside diameter at least larger than a maximum distance between a frame center and a frame of the spectacle frame related to the order and having the smallest outside diameter as well ("the semi-finished lens, therefore has a thickness relatively larger than a finish thickness" [0044]) is selected and processed so that the spectacle lens related to the order is manufactured (optimum semi-finished lens to be machined is selected from the stock [0045]).

Art Unit: 1791

21. Regarding claim 3, Miyazawa remains as applied in claim 1 and further teach that said lens member forming step uses a numerical-control curve generator [0052] generating the curved surface shape of a processing target by controlling distances from a cutting blade to the plastic material (X, Y, and Z- axis positioning means [0052]) and a rotation axis (figure 2, item 213 [0052]), respectively, in accordance with the curved surface shape of a formation target while rotating the plastic material around the rotation axis passing through a specific point of the curved surface of the processing target (center coordinate and normal line, [0052-0054]), and wherein the plastic material is arranged so that the center thereof being a geometric center (MC [0083]) of an edge shape of the spectacle lens comes above the rotation axis (figures 5 and 6, [0082-0083]), a calculation is made to obtain a tilt angle (angle [0083]) in a case where a reference surface of the plastic material is tilted at a predetermined angle with respect to a case where the processing is performed on assumption that an optical center or a lens vertex positions above the rotation axis, and a processing is performed by tilting the reference surface of the plastic material beforehand to offset the tilted angle [0083].

22. Regarding claim 4, Miyazawa teaches a spectacle lens manufacturing system [0033], comprising: an order placement-side computer (online terminal, [0037]) processing and transmitting information required to order a spectacle lens including frame shape information [0037]; a manufacturing-side computer (calculating computer [0043]) acquiring information required to manufacture the spectacle lens-related to the order by receiving the information transmitted by the order placement-side computer [0043 and 0045]; and a spectacle lens manufacturing device manufacturing the

Art Unit: 1791

spectacle lens-related to the order that is processed to have a shape settable in a frame by performing processes including formations of a curved surface and edge shape on a plastic material based on the information acquired by the manufacturing-side computer [0049]; wherein said spectacle lens manufacturing device uses, as the plastic material of a processing target [0014], a lens blank being a partly finished product of which both surfaces are not yet processed to have a curved surface satisfying an ultimate optical specification but have a predetermined surface shape (semi-finished lens [0043-0044]), wherein a geometric center of the lens blank matches with a frame center of the edge shape to be processed (see discussion above [0052-0054]), wherein said spectacle lens manufacturing device selects, out of plural lens blank (stocked semi-finished lenses [0045]) of different outside diameters and/or lens thicknesses prepared in advance [0044-0045], the lens blank having the outside diameter and/or lens thickness size(s) allowing an appropriate processing for the spectacle lens-related to the order [0044-0045], wherein the selection of the outside diameter of the lens blank is conducted by specifying based on a distance from a frame center to a frame and the spectacle lens-related to the order is manufactured by processing the selected lens blank [0044-0045], and wherein the curved surface formation is performed to both the surfaces of the lens blank selected by the selection [0035].

23. Regarding claim 5, Miyazawa remains as applied in claim 2 and further teach that said lens member forming step uses a numerical-control curve generator [0052] generating the curved surface shape of a processing target by controlling distances from a cutting blade to the plastic material (X, Y, and Z- axis positioning means [0052])

Art Unit: 1791

and a rotation axis (figure 2, item 213 [0052]), respectively, in accordance with the curved surface shape of a formation target while rotating the plastic material around the rotation axis passing through a specific point of the curved surface of the processing target (center coordinate and normal line, [0052-0054]), and wherein the plastic material is arranged so that the center thereof being a geometric center (MC [0083]) of an edge shape of the spectacle lens comes above the rotation axis (figures 5 and 6, [0082-0083]), a calculation is made to obtain a tilt angle (angle [0083]) in a case where a reference surface of the plastic material is tilted at a predetermined angle with respect to a case where the processing is performed on assumption that an optical center or a lens vertex positions above the rotation axis, and a processing is performed by tilting the reference surface of the plastic material beforehand to offset the tilted angle [0083].

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 1791

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACOB T. MINSKEY whose telephone number is (571)270-7003. The examiner can normally be reached on Monday to Friday 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTM
/ Carlos Lopez/
Primary Examiner, Art Unit 1791